



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/534,196	03/24/2000	Christian Francois Michel Dujarric	Q58472	2963

7590

07/29/2002

Sughrue Mion Zinn Macpeak & Seas PLLC
Robert J Seas
2100 Pennsylvania Avenue N W
Washington, DC 20037-3202

EXAMINER

KOCZO JR, MICHAEL

ART UNIT

PAPER NUMBER

3746

DATE MAILED: 07/29/2002

16

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/534,196

Applicant(s)

DUJARRIC, CHRISTIAN
FRANCOIS MICHEL

Examiner

Michael Koczko, Jr.

Art Unit

3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-14 is/are pending in the application.
- 4a) Of the above claim(s) 8-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-7, 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Art Unit: 3746

DETAILED ACTION

Applicant's arguments filed on April 10, 2002 have been fully considered but they are not persuasive.

It is noted that the case as originally filed had 13 claims. New claim 8 has therefore been renumbered as claim 14 according to 37 CFR 1.126, and the dependent claims which were dependent on claim 8 have been made dependent on claim 14. Applicant is requested to henceforth maintain the correct claim numbering.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the structure of claim 2 (perpendicular to the wall of the nozzle body) and claim 14 (injection device) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: there is no basis in the specification for the expression "injection devise" [sic] of claim 14 and "disturbing device" of claim 7. It would appear that "disturbing device" should correctly read --distributing device--.

Art Unit: 3746

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 2 to 7 and 14 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The claims recite that the separation triggering elements are spaced so as to produce distinct zones of jet separation to form a three-dimensional separation of the flow. However, the specification fails to disclose what is the minimum spacing which would produce the desired zones of jet separation. Applicant's invention purports to be an improvement over US Pat. No. 3,925,982 (Mueller) and the specification states that the injection points of Mueller are closely spaced and therefore do not produce a three-dimensional separation of the flow. This raises the question of what is the minimum required spacing.

Claim 14 recites an "injection devise" [sic]. There is no description of such a device in the specification.

Claim 2 recites "at least one injection cross section which is disposed substantially perpendicular to the wall of the nozzle body". There is no description of this structure in the specification now or as originally filed.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 3746

Claims 2 to 7 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 14, since it is not understood what is the structure of the injection device, the scope of the claim cannot be positively ascertained.

In claim 14, line 5, it is not clear to what structure the "cross section" refers. This may be corrected by inserting --nozzle body-- following "cross section".

In claim 2, line 3 does not read grammatically correct.

Claim Rejections - 35 USC § 102

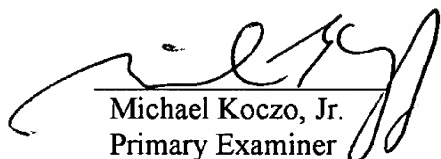
Claims 2 to 7 and 14, as understood, are rejected under 35 U.S.C. 102(b) as being structurally anticipated by either of Mueller (see figure 5) or Rannie et al. (see figures 4 and 5). Whether or not three-dimensional separation of the flow occurs is a function of the minimum spacing of the separation triggering elements, which is not claimed. The claims recite "at least two separation triggering elements" which is readable on either of Mueller or Rannie et al.

Claims 8 to 13 stand withdrawn from further consideration as being drawn to a non-elected species.

Any inquiry relating to the status of this application or proceeding should be directed to the Customer Service Office whose telephone number is 703-306-5648.

Art Unit: 3746

Any inquiry relating to patent applications in general should be directed to the Patent Assistance Center at 1-800-786-9199.



Michael Kocz, Jr.
Primary Examiner
Group Art Unit 3746

M. Kocz, Jr./mnk
July 25, 2002
TEL 703-308-2630
M-W 7:30 to 16:00
FAX 703-308-7763